

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

4 ACP, INC.,
5 Plaintiff,
6 v.
7 SKYPATROL, LLC, et al.,
8 Defendants.

Case No. 13-cv-01572-PJH

**ORDER GRANTING MOTION TO
DISMISS SKYPATROL'S
COUNTERCLAIM; DENYING MOTION
TO DISMISS GORDON HOWARD'S
COUNTERCLAIMS**

Re: Dkt. Nos. 77, 78

11 Plaintiff ACP, Inc.'s motions to dismiss Skypatrol, LLC's counterclaim and to
12 dismiss Gordon Howard Associates Inc.'s counterclaims came on for hearing before this
13 court on October 19, 2016. ACP and counterclaim-defendant Christopher Nicholson
14 appeared through their counsel, Rachel Kinney. Defendant Skypatrol appeared through
15 its counsel, Jason Yurasek. Defendant Gordon Howard Associates appeared through its
16 counsel, David Makman. Having read the papers filed by the parties and carefully
17 considered their arguments and the relevant legal authority, and good cause appearing,
18 the court hereby GRANTS the motion to dismiss Skypatrol's counterclaim (Dkt. 77) and
19 DENIES the motion to dismiss Gordon Howard Associates' counterclaims (Dkt. 78), for
20 the reasons stated at the hearing.

21 Skypatrol shall have until **November 16** to file an amended answer that provides
22 the specific who, what, when, and where regarding its fraud counterclaim, as well as facts
23 supporting an inference of intent and falsity. The amended answer shall not contain new
24 counterclaims. ACP will have 21 days to respond to the amended answer.

IT IS SO ORDERED.

26 | Dated: October 19, 2016

PJM

PHYLLIS J. HAMILTON
United States District Judge